

1 Q. Do you still see Dr. Bennett regularly?

2 A. Actually, I'm switching over to a different
3 doctor that's closer to me.

4 Q. Okay. Do you remember his name?

5 A. It's going to be a lady. I don't remember her
6 name. I haven't seen her yet. I just --

7 Q. Would it be possible if we contacted you later
8 to get that name?

9 A. Yeah. I have it on a card at home.

10 Q. Okay. Did you tell Rycke that you'd been
11 taking Seroquel, Zoloft, Gabapentin --

12 A. Klonopin.

13 Q. Klonopin and Ambien?

14 A. Yeah. I'm not on the Ambien. What I couldn't
15 remember is Seroquel. I've been on it for a long time.

16 Q. What does Seroquel do?

17 A. Seroquel, it helps me sleep, but it's also like
18 a antipsychotic. It helps with your mood, you know,
19 stabilize your mood.

20 Q. Now, most those medications, except for the
21 Zoloft, were prescribed to you after the trial, is that
22 right?

23 A. Correct.

24 Q. And at the time of trial, to your knowledge,
25 you were just on the Zoloft?

1 A. Yes.

2 Q. And then temporarily on the other drug which
3 was?

4 A. Buspar.

5 Q. Okay. And you told Doctor -- you told Rycke
6 that you've been on antidepressants, mood stabilizing
7 drugs antianxiety and antipsychotic medications and
8 sleep medication for many years?

9 A. Yes.

10 Q. Is that right?

11 A. Yes.

12 Q. Okay. Did you tell Rycke that you met David
13 Carpenter when you were 12 and he was 21?

14 A. Yes. I believe he was 21. He's nine years
15 older than me so...

16 Q. You tell Rycke that Mr. Carpenter was a friend
17 of your mother and that your mother and her boyfriend
18 bought drugs from David Carpenter, occasionally?

19 A. Yes.

20 Q. Okay. You told Rycke that you developed a
21 crush on David and you wrote to him while he was first
22 incarcerated in prison for three years?

23 A. Yes.

24 Q. You told Rycke that when Mr. Carpenter was
25 released he got an apartment with his brother and you

1 quote unquote pushed your way in?

2 A. Yes.

3 Q. Can you explain that?

4 A. I would just stay over there all the time and
5 then I just kind of like brought all my stuff and I was
6 there.

7 Q. You were 15, when you -- you told Rycke you
8 were 15 when you --

9 A. Yeah.

10 Q. -- moved in with him? And your first child was
11 born when you were 16 years old?

12 A. Yes..

13 Q. And your second child was born two years later?

14 A. Yes.

15 Q. And that -- you stated that you loved David
16 Carpenter or was addicted to him and felt that you had
17 to be with him?

18 A. Yes.

19 Q. And that you had an intense and stormy
20 relationship; is that right?

21 A. Yes.

22 Q. You told Rycke that you separated from him when
23 your second daughter was six months old because of his
24 infidelity?

25 A. Yes.

1 Q. Okay. So when was your child born? Your
2 second child?

3 A. My second child was born in '94.

4 Q. Okay. So if you separated from him when she
5 was six months old, you would have separated from David
6 in 1994, 1995?

7 A. Yeah. Yes.

8 Q. Is that -- do you think that's right?

9 A. Yeah. She was born October the 8th, 1994. So
10 it would have been in -- six months later -- it would
11 have been in '95, wouldn't it?

12 Q. Okay. And then so go back -- our earlier
13 discussion after you separated from him with that --
14 after you had the second child, then really the only
15 contact you had with him is letters?

16 A. Yeah. He -- he'd call me or whatever, but that
17 was right before he had went to jail. 'Cause I mean --

18 Q. Went to prison for the second time?

19 A. Yeah. He went right after I left.

20 Q. Okay. And you didn't have frequent visits with
21 him then?

22 A. Not that I remember.

23 Q. And you don't remember after you separated from
24 him having discussions about your medical history or
25 medications?

1 A. No, I --

2 Q. Okay. Now, did you tell Rycke that David
3 Carpenter said he grew up in an atmosphere of domestic
4 violence. His father was physically abusive to him and
5 his mother?

6 A. Yes.

7 Q. You told her that he abused drugs and alcohol
8 from the first time you met him?

9 A. David?

10 Q. Yes.

11 A. Yes.

12 Q. You told Rycke that you saw him as someone that
13 went out of his way to make people like him?

14 A. Yes.

15 Q. You told Rycke that David would brag about
16 things, it made him feel macho, he always wanted to be
17 the coolest person?

18 A. Yes.

19 Q. You tell Rycke in retrospect you see him as
20 trying to impress others by being tough, a big man who
21 was bad?

22 A. Yes.

23 Q. Okay. You tell Rycke you felt that many of
24 David's stories were fabricated or exaggerated in order
25 to make him feel important?

1 A. Yes.

2 Q. He did that to gain respect of others?

3 A. Yes.

4 Q. And you see him as -- told Rycke you see him as
5 someone who as part of being a tough guy would never
6 snitch on a friend in order to save himself?

7 A. Yes.

8 Q. And you tell Rycke that you and your father had
9 many conversations about David and his involvement in
10 the murder?

11 A. Yes.

12 Q. You told Rycke that your father never believed
13 that David was capable of it; is that right?

14 A. Yes.

15 Q. And did you also tell Rycke that you had doubts
16 about his involvement in the crime?

17 A. Yes.

18 Q. What does that mean?

19 A. What does that -- what is my doubt or --

20 Q. You told Rycke during the interview that you
21 had doubts about David's involvement in the crime and I
22 was just wondering if you could explain that to us?

23 A. I mean, I can't see him killing somebody and I
24 mean, like -- do you want detail into when he come home
25 and like --

1 Q. Well, I was just trying to find out what you
2 meant when you told Rycke that statement?

3 A. Because David was more talk than anything in
4 the world. And then whenever it was -- he supposedly
5 murdered the lady and come back, well, he wasn't covered
6 in blood or nothing, you know what I mean?

7 Q. Okay.

8 A. And I don't --

9 Q. And I think you -- later on you described your
10 feelings with Rycke. We can get into that, okay?

11 A. Okay.

12 Q. Did you tell Rycke that when David was in
13 prison you began seeing J.C. Cloud in '97 or '98?

14 A. Yes.

15 Q. And you told Rycke that he was a childhood
16 friend of David Carpenter who was very solicitous
17 towards you? Very nice to you?

18 A. Yes.

19 Q. Okay. At the time you told Rycke you had three
20 children and was struggling and he helped you and your
21 mother get an apartment?

22 A. Yes.

23 Q. And you told Rycke that they saw John -- you
24 saw J.C. on and off for a couple years and eventually
25 got married?

1 A. Yes.

2 Q. Okay. And you were married to him less than a
3 year when he was killed in a train accident in 2000?

4 A. Yes.

5 Q. Okay. But you said you -- you have ambivalent
6 feelings toward him; is that right?

7 A. Yes.

8 Q. Have mixed emotions about him?

9 A. Yes.

10 Q. John Cloud is not the person you thought he
11 was?

12 A. Yes.

13 Q. You told Rycke that before he died you learned
14 that he had molested your oldest daughter?

15 A. Yes.

16 Q. And that you told Rycke he was a very devious,
17 manipulative and a liar?

18 A. Yes.

19 Q. And he was jealous, possessive and inclined to
20 retaliate when he was angry?

21 A. Yes.

22 Q. You told Rycke on one occasion that he set fire
23 to your car?

24 A. Yes.

25 Q. Why did he do that?

1 A. Because I went out with a friend to a club.

2 Q. Did you tell Rycke that you felt that J.C.
3 Cloud may have given the police the anonymous tip that
4 may have led to David's arrest?

5 A. Yes.

6 Q. And you think that J.C. Cloud told the police
7 that David was involved in the murder as a retaliation,
8 in order to prevent him from getting back together with
9 you?

10 A. Yes.

11 Q. Now, did you share any of those concerns with
12 Mr. Penrod or Ms. Judin?

13 A. I don't remember, because at the time, he had
14 me -- telling me to do this, you know.

15 Q. When you say he?

16 A. I feel like -- John Cloud. J.C. I don't know.
17 I feel like he was trying to brainwash me or whatever so
18 I was doing whatever he was telling me to do.

19 Q. Okay. And he was telling you not to talk to
20 anybody?

21 A. Right. Well, he was telling me to talk to
22 the --

23 Q. Police?

24 A. -- the police and you know.

25 Q. Okay. And you told Rycke that you and David

1 still continued to correspond?

2 A. Yes.

3 Q. Write letters?

4 A. Yes.

5 Q. And that he remains in contact with your
6 daughters; is that right?

7 A. Yes.

8 Q. And they've been down to visit him in prison;
9 is that right?

10 A. Yes.

11 Q. Have you been down to visit him?

12 A. No, I haven't seen him in 10 years.

13 Q. Okay. You feel that you're currently on good
14 terms with him?

15 A. Yeah.

16 Q. And you told Rycke that is that right?

17 A. Yes.

18 Q. Okay. Did you tell Rycke that regarding the
19 events of that day that you had trouble -- or you did
20 not remember much about what happened on August 28,
21 1991?

22 A. Yes.

23 Q. Did you tell Rycke you recall that day because
24 it was your mother's birthday?

25 A. Yes.

1 Q. And you were pregnant with your first child.

2 A. Yes.

3 Q. And you and David were living in a two-bedroom
4 mobile home with another couple?

5 A. Yes.

6 Q. Okay. And you told Rycke that you remember
7 that you -- you were awoken by David Carpenter --

8 A. Yes.

9 Q. -- right? And you told Rycke at the time that
10 you thought he had returned from taking one of their
11 roommates to school?

12 A. Yes.

13 Q. Right. So you have a recollection -- do you
14 still have that recollection or do you remember telling
15 that to Rycke?

16 A. Yeah. I mean I had the recollection and I
17 remember, but now in my head I kind of -- I'm like -- on
18 the timeline I don't know if -- what -- I can't tell you
19 what time of day. I know it wasn't nighttime but...

20 Q. Okay. Did you tell Rycke that your memory of
21 events that day were not clear?

22 A. Yes.

23 Q. And you told her that you know David woke you
24 up and said he'd killed a woman? You remember that?

25 A. Yes.

1 Q. You can't remember -- you told Rycke you can't
2 remember the words -- the exact words and conversation?

3 A. Correct.

4 Q. Okay. You told Rycke you recall there was no
5 blood on his clothes or his hands -- David's hands?

6 A. No.

7 Q. Is that correct?

8 A. Yes.

9 Q. And you remember he did not get rid of any
10 clothes nor did he scrub his hands; do you remember
11 that?

12 A. Yes.

13 Q. Okay. Now, did you share that information with
14 Mr. Penrod or Ms. Judin, do you recall?

15 A. Yeah, I remember having the conversations
16 because there was just like these little splatters on
17 his tennis shoes that looked like grape jelly. I mean,
18 little bitty, I mean, you know. And I didn't understand
19 why if you had just killed somebody, why aren't you
20 covered in blood.

21 Q. Okay. And that's -- and you relayed that to
22 Rycke Marshall?

23 A. Right.

24 Q. Okay. And you told Rycke when you heard that
25 you were scared, but you didn't ask any further

1 questions?

2 A. Right.

3 Q. And you told Rycke that David said not to speak
4 about it?

5 A. Right.

6 Q. And you never talked about it again?

7 A. No.

8 Q. And you were 16 at the time?

9 A. Yes.

10 Q. Okay. And so as you sit here now, are your
11 events -- the recollection of that day are they clear?

12 A. No.

13 Q. Okay. Did you tell Rycke Marshall that
14 everything seemed unreal and you don't really remember
15 anything else that happened on that day?

16 A. Yes.

17 Q. When you say it seemed unreal, is that how you
18 felt before taking the medication or on the medication?
19 What did you mean by unreal?

20 A. It's like, I can't remember that -- the whole
21 day. Of course it's been how many years ago.

22 Q. Right.

23 A. And it's like in and out stuff. I remember him
24 waking me up. I remember that. Then I remember getting
25 in the car going to his aunt's house. Everybody was

1 over there crying. But it was all like -- if you're
2 like, looking back, it's like clips of a film. You know
3 what I mean? It's like I was there, but it don't
4 feel --

5 Q. Didn't feel like you were personally
6 participating?

7 A. Right.

8 Q. And you told Rycke that during your interview;
9 did you not?

10 A. Yes.

11 Q. You told her that that was your first
12 pregnancy?

13 A. Yes.

14 Q. And you weren't taking any drugs or medications
15 at the time?

16 A. No.

17 Q. And you recall that your relationship with
18 David was quite strained at the time --

19 A. Yes.

20 Q. -- is that right? And you were depressed and
21 having mood swings at the time?

22 A. Yes.

23 Q. And you recall that you were -- felt very
24 paranoid?

25 A. Yes.

1 Q. You were afraid of the dark?

2 A. Yes, still am.

3 Q. Afraid of being left alone at night?

4 A. Yes, still am.

5 Q. And you told Rycke that? You told her also
6 that you had hallucinations unless you were on drugs; is
7 that right?

8 A. Yes.

9 Q. And sometimes you thought that you would hear
10 people calling your name when you were in the shower?

11 A. Yes.

12 Q. And you would get in and out multiple times?

13 A. Yes.

14 Q. Can you elaborate on that a little bit? What
15 does that mean you were hearing --

16 A. Just like being in the shower and then I think
17 my kids are calling me, so I kept like -- taking a
18 shower for me then was horrible 'cause, in and out in
19 and out trying to get clean, but I'm thinking I'm
20 hearing somebody calling my name, you know. Like now,
21 usually whenever I shower, now my mom has to time me. I
22 only have a certain amount of time or I'll stand in
23 there and I'll just scrub and scrub you know.

24 Q. Okay. Do you remember ever having
25 conversations with David at the time telling him that.

1 you were hearing voices?

2 A. No. I never got to tell him.

3 Q. Okay.

4 A. 'Cause, I mean -- like, I have OCD where
5 everything has to be clean and I was that way back then
6 and they always joked and laughed about it. So, I mean,
7 I'm not going to sit here and tell them, hey, you know,
8 I'm hearing stuff. This ain't right. That ain't right.

9 Q. So you got teased about the fact that you were
10 obsessive about the cleaning?

11 A. Right. And he --

12 Q. And you didn't want to disclose anything else?

13 A. Right. And then I had bad mood swings so he
14 just thought I was a straight up -- how would you say
15 it -- pain.

16 Q. Okay. Now, you told Rycke at the time of these
17 interviews that you didn't remember how many dates when
18 the police questioned you or when you appeared in trial?

19 A. No.

20 Q. And you still don't?

21 A. No.

22 Q. Okay. And there are other aspects about this
23 that your memory's not good about; is that right?

24 A. Yes.

25 Q. You haven't seen David Carpenter since 1997?

1 A. Yes.

2 Q. Okay. But you have had contact through the
3 letters?

4 A. Yes.

5 Q. And in the letters that you write, you speak
6 lovingly at each other?

7 A. Yeah. He's more lovingly than me, but yeah.

8 Q. Okay. You do recall -- you told Rycke that you
9 recall when he was about to be released from prison the
10 first time the police came to talk?

11 A. Yes.

12 Q. Is that right? And you told Rycke that they
13 came to see you at work about your mother?

14 A. Yeah at first.

15 Q. And that's when they said they got an anonymous
16 tip that your mother was violating her probation?

17 A. Yeah.

18 Q. And I think as you discuss -- you now believe
19 that John Cloud tipped you off?

20 A. Yes.

21 Q. And you told Rycke that?

22 A. Yes.

23 Q. When -- you told Rycke when the police first
24 contacted you and they -- they told you they thought you
25 had information about the murder?

1 A. Yeah.

2 Q. You told them initially that you didn't know
3 what they were talking about?

4 A. Yes.

5 Q. And so again how many discussions do you think
6 you had with them when they would come to you and say,
7 we need to talk to you and you'd say, I don't know what
8 we're talking about?

9 A. Oh, that I didn't know. About two.

10 Q. Okay. And did you -- did you tell Rycke that
11 you were frightened when you were approached by the
12 police?

13 A. Yes.

14 Q. Okay. You told Rycke the second time the
15 police came to your house they took her to the police
16 station; is that right?

17 A. They took me to the police station, yes.

18 Q. And that you -- that you told Rycke you'd never
19 been in jail before?

20 A. Yes.

21 Q. And you were extremely intimidated?

22 A. Yes.

23 Q. And you told Rycke that they said that they
24 knew you were lying?

25 A. Yes.

1 Q. Who told you that you were lying?

2 A. Ken Penrod.

3 Q. And what -- did he say anything more than that?

4 A. He said that -- yeah -- because see, somebody
5 was telling him that I knew more than what I was saying.

6 Q. Okay. And that upset you?

7 A. Yeah.

8 Q. And you told -- but you told Rycke you still
9 didn't give them the statement at that time; is that
10 right?

11 A. No, I didn't.

12 Q. Okay. And you went -- and you told Rycke you
13 went home and reported that to J.C. --

14 A. Yeah.

15 Q. -- and he told you to cooperate?

16 A. Yeah.

17 Q. Okay. Did you tell Rycke you thought you --
18 that might have happened between 10 and 15 times?

19 A. Me going down there?

20 Q. Yes.

21 A. And then coming -- yes.

22 Q. Okay. And you told Rycke that you'd never been
23 questioned like that before in your life; is that right?

24 A. Yes.

25 Q. You told them -- you told Rycke you were

1 particularly afraid of Penrod and found him
2 intimidating?

3 A. Yes.

4 Q. And you told Rycke that Penrod would come and
5 pick you up and take you to those rooms and you would
6 sit forever until you wrote a statement or they'd --
7 they'd write it and you'd have to sign it?

8 A. Yes.

9 Q. And you told Rycke on one occasion you were
10 taken to a different police station there, fingerprinted
11 and they told you they have to do that so you wouldn't
12 be considered a murder suspect?

13 A. Yes.

14 Q. Okay. And how did that make you feel?

15 A. I thought we were going for a interview and
16 then when we get down there they're fingerprinting me.
17 I don't know. And then we got through I was like,
18 what'd we do that for and they were like to rule you out
19 as a murder suspect. I was like oh.

20 Q. Okay. Did you tell Rycke that you felt
21 tremendous pressure to provide information because they
22 told you they were lying -- that you were lying?

23 A. Yes.

24 Q. And you told her that you believed that you
25 might be put in jail or your children might be taken

1 away?

2 A. Yes.

3 Q. Now, that's something that you believed because
4 of what J.C. told you?

5 A. Yes.

6 Q. But that's not something that Penrod or --

7 A. No.

8 Q. Okay. And you told Rycke that Penrod told you
9 that they knew that you knew that David had had you
10 clean the blood off his knife and shoes?

11 A. Yes.

12 Q. Okay. And after you admitted that, you told
13 Rycke they stopped questioning you; is that right?

14 A. Yes.

15 Q. And you told Rycke that you eventually signed a
16 statement?

17 A. Yes.

18 Q. And you told Rycke that you were sure if you
19 told the police everything you knew, David would not get
20 the death penalty?

21 A. Yes.

22 Q. And when you say the police told you that --

23 A. I mean Penrod.

24 Q. Penrod told you that. And you told Rycke that
25 they would write it, you would sign it?

1 A. Right. Yes.

2 Q. And there were some things in the statement
3 that you didn't understand?

4 A. Yes.. It's hard for me to understand a lot of
5 it.

6 Q. And you told Rycke that at the end, you were
7 very upset and wanted to get out?

8 A. Yes.

9 Q. And you told Rycke that after you gave a
10 statement, they told you they were going to seek the
11 death penalty anyway; is that right?

12 A. Yes.

13 Q. You told Rycke that made you sick and unable to
14 breathe?

15 A. Yes.

16 Q. Did you feel that you had been lied to at that
17 time?

18 A. Yes.

19 Q. And did you mention that to anybody?

20 A. I'm not -- I just remember bits and pieces and
21 I remember when they said the death penalty that I was
22 crying. I --

23 Q. Okay. Did you tell Rycke that you had had a
24 number of interviews with the prosecutors?

25 A. Yes.

1 Q. And you told Rycke that you felt the
2 prosecutors were real nice?

3 A. Yes.

4 Q. Is there a qualification of that?

5 A. Well, I thought they were being nice, but
6 they're not -- they weren't.

7 Q. Why do you say that?

8 A. Because they were -- how to say it -- like, if
9 I was to sit here and be sweet and all this in front of
10 y'all, you know. You'd think I was being nice, but
11 after you done heard all this, you would know.

12 Q. You think they were being two-faced about it?

13 A. That's the way I felt.

14 Q. Okay. They -- you told Rycke they took you out
15 to eat?

16 A. They didn't take me out to eat.

17 Q. Okay. What did --

18 A. What happened was, is they come to my house to
19 question me. My children were there. I didn't want my
20 children to know nothing because they were still little.
21 So they said that they had to talk to me. So there's a
22 Braum's. So we went to the Braum's and talked. I don't
23 even remember what we talked about. But we didn't go
24 out to eat dinner or nothing like that. They didn't
25 never buy me anything. Nothing like that.

1 Q. You just met at a Braum's?

2 A. Yeah, we met there 'cause I didn't want them to
3 talk to me in front of my kids.

4 Q. Okay. And did you tell Rycke that they
5 practiced your testimony with you to be sure you were
6 prepared?

7 A. Yeah, they --

8 Q. How many times did they do that?

9 A. I would say a couple. They would take me into
10 the courtroom and let me sit up there on the stand, you
11 know, where I'd be sitting and then they would just show
12 me how everything was going to be and what the -- you
13 know, if I -- I don't -- if it was something, say I
14 don't recall. And just certain stuff. I mean, 'cause,
15 I mean, I wouldn't come up with I don't recall.

16 Q. Okay. And you told Rycke that during the trial
17 when you're in the witness room, that all the other
18 people were talking about the case?

19 A. Yeah, we --

20 Q. And they were talking about giving David the
21 needle?

22 A. A police officer come in and he was, excuse me,
23 being a smart, something or another. And said, yeah,
24 well, why don't they just give me the needle, I'll take
25 care of it right now.

1 Q. Okay. And you told Rycke that you were aware
2 that that wasn't right? That that was not appropriate,
3 but you were afraid to say anything?

4 A. Right.

5 Q. Why were you afraid to say something?

6 A. 'Cause I didn't want to get in no trouble and
7 there was like so many people in there talking about the
8 case when nobody was supposed to be talking about it.
9 There was papers laying down that you -- we were
10 reading, that we shouldn't even been looking at. There
11 were pictures showed like from where the police chased
12 David in the pickup truck. Where they took pictures of
13 the stuff that had like -- he had threw out the window.
14 And the truck where it was in the field where they
15 finally got -- I mean, they showed pictures of that.

16 Q. Okay.

17 A. They were just like open and it wasn't supposed
18 to -- I don't think that was fair at all.

19 Q. And then you'd also told Rycke at that time you
20 were extremely anxious and fearful of getting in
21 trouble?

22 A. Yeah.

23 Q. You told her you'd become depressed after the
24 birth of your last child in 1997?

25 A. Yes.

1 Q. And that your depression intensified during
2 this trial?

3 A. Yes.

4 Q. And that you found the experience of being
5 constantly interrogated to be very traumatic?

6 A. Yes.

7 Q. And that you were unable to sleep, emotionally
8 distraught, felt you were walking on egg shells?

9 A. Yes.

10 Q. And you told Rycke that you told that -- the
11 prosecution didn't want to testify or have anything to
12 do with the trial?

13 A. Yes.

14 Q. And you told them about the psychological
15 state, being on medication?

16 A. I told Kim Judin, yes.

17 Q. Okay. And then you told Rycke they said they
18 did not care?

19 A. Yeah. It didn't matter.

20 Q. Okay. Is that -- I mean, it's important if you
21 can't to try to remember the words they used?

22 A. I don't remember word for word, but I know that
23 it just blew over like it wasn't nothing.

24 Q. And can you remember who told you that?

25 A. Kim Judin.

1 Q. Okay.

2 A. She's the one I went to and told.

3 Q. Okay. And did you tell Rycke that you felt
4 overwhelmed and confused at that time?

5 A. Yes.

6 Q. You told Rycke you couldn't resolve the
7 discrepancy in your mind of what they said that David
8 did and what you witnessed on that morning?

9 A. Yes.

10 Q. Okay. And you told Rycke that if he'd actually
11 murdered, he probably should have been covered in blood?

12 A. Yes.

13 Q. And you told Rycke you're still confused?

14 A. Yes.

15 Q. Is that true today?

16 A. Yes.

17 Q. Okay. You also told Rycke you're not going to
18 lie about what David Carpenter told you?

19 A. Yes.

20 Q. You don't want to go to jail?

21 A. Yes.

22 Q. You don't want to get in trouble?

23 A. Yeah.

24 Q. And you're here to tell the truth --

25 A. Yes.

1 Q. -- is that right?

2 MR. ANTON: Can we take a short break?

3 (Break taken form 1:20 to 1:37)

4 Q. (By Mr, Anton) Just a couple quick questions.

5 How did you get here today?

6 A. Ken. Kenny.

7 Q. Kenny Johnson?

8 A. Yeah.

9 Q. Okay. And he's provided -- he provided you
10 with transportation?

11 A. Yes.

12 Q. Do you drive?

13 A. Sometimes.

14 Q. Okay.

15 A. I only have a permit.

16 Q. Okay. And in 1997 when the investigator --
17 Detective Penrod was dealing with you, did you drive --
18 could you -- the police would come and pick you up?

19 A. Uh-huh.

20 Q. Were you driving at that time?

21 A. No.

22 Q. Did you have a license at that time?

23 A. No.

24 Q. And how did you get to and from court?

25 A. How did -- they would come get me.

1 Q. Okay. Was there a reason you did not have a
2 license?

3 A. I didn't know how to drive. Scared.

4 Q. Okay. And you conveyed that to them?

5 A. I don't know. I know they knew I didn't have a
6 license and I didn't drive.

7 MR. ANTON: Okay. That's all the questions
8 I have at this time.

9 MS. KUYKENDALL: Can we just step outside?

10 MR. ANTON: We can step out. It'd be more
11 convenient.

12 (Break taken from 1:38 p.m. to 1:46)

13 EXAMINATION

14 BY MS. MIRANDA:

15 Q. Mande, my name is Tina Miranda, I'm with the
16 Attorney General's office and I just want to ask you a
17 couple questions about your testimony. And again, I
18 just want to reiterate, if you have trouble
19 understanding any of my questions -- I talk fast, I know
20 that --

21 A. Oh no.

22 Q. -- so if I talk fast or give you a compound
23 question or if you just get confused, don't be afraid to
24 stop me and say, hey, I have no idea what you're talking
25 about.

1 A. Okay.

2 Q. Can you rephrase it, okay?

3 A. Okay.

4 Q. All right. Just to start, want to talk a
5 little bit about some of the memory lapses or problems
6 that you have. First of all, just generally speaking,
7 you were saying that your memory has been affected by
8 the medication; is that correct?

9 A. Yes.

10 Q. And I believe that you also mentioned that you
11 had some memory issues prior to taking the medication.
12 When did you first start noticing those? If you can
13 recall and I understand that it may be hard, but just to
14 the best of your ability to answer those questions.

15 A. I don't recall.

16 Q. Okay. Do you recall when the first time was
17 that you might have reported that to a doctor or
18 physician that you were seeing?

19 A. No, because the meds[sic], they make it worst
20 so...

21 Q. Okay.

22 A. I mean, the doctors, they already, you know,
23 basically know.

24 Q. Right.

25 A. You know that my memory's going to be affected

1 from it.

2 Q. Sure. And as you sit here and testify today --

3 A. Yes, ma'am.

4 Q. -- in 2010, is it fair to say that your memory
5 back at the time of trial or at the time you were
6 speaking to police is probably better than what you
7 recall today simply by the passage of time?

8 A. Probably.

9 Q. Okay. Regarding the specific event that
10 happened in 1991, as far as David coming home and making
11 the statement to you, would you say that was a pretty
12 significant event having him come home and -- whether
13 you believed what he said or not -- and having him come
14 home and simply say, hey, I murdered a woman --

15 A. Yes.

16 Q. -- that was pretty significant, right?

17 A. Yes..

18 Q. And at the time you believed him; is that
19 correct?

20 A. Yeah.

21 Q. Okay.

22 A. Now, that I put it -- it don't seem right.

23 Q. But at the time?

24 A. Yeah.

25 Q. Yeah?

1 A. Yeah.

2 Q. I understand. You also mentioned that you
3 believed that -- can I call him J.C.?

4 A. Uh-huh.

5 Q. Is that easier for you? That J.C. was the one
6 who reported to police that you believed David was
7 involved?

8 A. Yes.

9 Q. And you also mentioned that when the police
10 came to talk to you, they indicated to you that they
11 thought you knew more about what happened than you were
12 telling them?

13 A. Yes.

14 Q. What did you originally tell them?

15 A. The first time they come I was like, I don't
16 know nothing about no stabbing. I was like, I know
17 David had got shot at a bar. That's all. I don't know
18 nothing about a stabbing.

19 Q. Okay. When you talked to them the first time,
20 what kind of specifics did they have about the offense
21 they thought you knew about?

22 A. Alls I remember is homicide.

23 Q. Did they know the name of the victim?

24 A. Did they tell -- I don't remember if they said.

25 Q. Okay. As far as J.C., your belief that J.C.

1 called the police and was the anonymous informant
2 telling them that you knew information, how was it that
3 J.C. knew that you knew information about a homicide?

4 A. I had told him about some of the stuff.

5 Q. Okay. Do you recall when you first told him?

6 A. No, I don't.

7 Q. Okay. Do you recall any of the specifics of
8 the conversation that you told him?

9 A. Just probably that he had woke me up and told
10 me that he had, you know --

11 Q. So essentially, probably the same kind of stuff
12 you had initially told the police?

13 A. Yes.

14 Q. Okay. And even recently when you spoke to
15 Dr. Marshall -- Rycke, you could still recall him,
16 David, coming home and telling you -- waking you up and
17 telling you that he killed a woman?

18 A. It's like a daze -- a daze -- you know what I
19 mean?

20 Q. Sure. Sure. It was a long time ago. I
21 understand. Going to the time of trial when you were
22 speaking with the prosecutor in this case, do you
23 recall -- I'm assuming you had several meetings with the
24 prosecutors; is that correct?

25 A. Uh-huh.

1 Q. Okay. Not the police, but the prosecutors?

2 A. Uh-huh.

3 Q. Do you recall whether it was the first one --
4 and I understand if you can't say second or third, but
5 was it early on towards the middle, more closer towards
6 trial when you told them about your medical condition?

7 A. Probably around the middle.

8 Q. Okay. So after you'd had a couple meetings?

9 A. Probably.

10 Q. But before --

11 A. Yeah.

12 Q. --the trial?

13 A. Before the trial.

14 Q. And you had these conversations more than once
15 with the prosecutors?

16 A. I'm not sure.

17 Q. Okay. Do you recall if anyone other than -- I
18 believe you said -- who was it that you told, I'm sorry?

19 A. Kim Judin.

20 Q. Kim. Other than Kim, was there anyone else
21 present when you had these conversations?

22 A. I don't remember.

23 Q. And again, I know it was a long time ago, but
24 as specifically as you can recall, what exactly did you
25 tell Kim?

1 A. About being on the medication?

2 Q. About anything that had to do with your mental
3 health?

4 A. Oh, I told her that I was on the Zoloft or
5 whatever.

6 Q. Uh-huh. Did you tell her what for?

7 A. I'm not sure. I'm sure I did, but I mean, I'm
8 not a hundred percent for sure because --

9 Q. But you --

10 A. I know I was trying to get out of having to
11 testify.

12 Q. Okay.

13 A. I thought but...

14 Q. But it's fair to say that you recall
15 specifically telling her that you were on medication?

16 A. Yes.

17 Q. But you don't recall exactly if you told her
18 what it was for or if she -- did she ask?

19 A. I don't remember.

20 Q. Okay. You mentioned that you practiced your
21 testimony with the prosecutor several times and that
22 they took you into the courtroom and they showed you
23 where everything was. Was that in an attempt to
24 alleviate some of the anxiety you had about testifying?

25 A. Maybe.

1 Q. Did they mention anything about why they were
2 doing it?

3 A. They were showing me what it was going to be
4 like. And then, you know, they would say stuff like
5 they're going to be saying this and -- I remember they
6 taught me the word, I don't recall.

7 Q. And I'm kind of going to back up a little bit.
8 And I apologize for this, but I want to talk a little
9 bit more about your conversations with Ken Penrod?

10 A. Uh-huh.

11 Q. Now, you say in the first couple of
12 conversations, basically you told him you didn't know
13 anything about it. And then they take you to this room
14 and they sit you down and they question you for a long
15 time. What did you first tell them once you first
16 decided to cooperate? What did you first tell them?

17 A. I think I told them about him waking me up. I
18 think. I mean it's been forever.

19 Q. And in relationship to you making that first
20 admission regarding what you knew, when did you have the
21 conversation with him about seeking the death penalty in
22 this case?

23 A. It was -- I believe it was early on. 'Cause, I
24 mean, they took me to that place and I don't know how
25 many statements there was or whatever, but it was early

1 in the conversation because I did not want him to get
2 death.

3 Q. And when you say early on, are you talking
4 about early on in the interview when you began
5 cooperating or after you started cooperating?

6 A. Before.

7 Q. Before. You indicated just now that you didn't
8 recall how many statements --

9 A. Yeah.

10 Q. -- that you made. Do you recall how many you
11 signed?

12 A. No.

13 Q. All right. Do you recall -- you do recall
14 signing statements or affidavits?

15 A. Yeah, I signed statements.

16 Q. Okay. Do you recall whether that was typically
17 after you had made an oral statement to them whether you
18 had had a conversation and typically following that
19 conversation --

20 A. Yeah.

21 Q. -- they would present you with --

22 A. They would write.

23 Q. Okay. And you would sign it?

24 A. Yeah.

25 Q. When was it in relationship to those statements

1 that you learned that the State was going to seek the
2 death penalty?

3 A. This was after I was -- I had done said
4 everything.

5 Q. So after the last statement that you had
6 signed?

7 A. Yeah. Then it -- he comes and says, well,
8 we're going to seek the death penalty.

9 Q. Do you recall where you were when you made --
10 when he told you that? Were you still in one of those
11 rooms?

12 A. I believe so.

13 Q. Were you writing to David at this time
14 regarding what was going on?

15 A. I was writing to him, but I don't know what all
16 I was writing about. It's been years and...

17 Q. Okay. Did you ever write to him and tell him
18 about what the police had done and your estimation as
19 far as lying to you?

20 A. I think I have wrote a letter telling him the
21 police come to me asking me about a homicide.

22 Q. Do you recall whether you wrote David any
23 letters after you began cooperating with the police?

24 A. I don't remember.

25 Q. What about following your testimony at trial,

1 did you continue to write to him?

2 A. After the whole thing was over with?

3 Q. Uh-huh.

4 A. I don't think we wrote for a long time and then
5 we wrote. I think there was like time where we didn't
6 speak or something.

7 Q. Okay. Did you stop writing or did he?

8 A. Me.

9 Q. Okay. Why was that?

10 A. I was confused about everything.

11 Q. All right. Can you elaborate a little bit on
12 that?

13 A. I was supposed to be getting married and he --
14 I don't know.

15 Q. It's okay. You can take your time and just.

16 A. I just -- I just quit writing.

17 Q. Okay. After you quit writing, who first
18 contacted who again once you started your contact up
19 again? Did you write to him first or did he write to
20 you first?

21 A. He wrote to the kids.

22 Q. Okay.

23 A. So it would be like something through the kids,
24 you know, maybe like quite a long time or something.

25 Q. And would they tell you what he said --

1 A. Yeah.

2 Q. -- in his letters?

3 A. Yeah.

4 Q. Did you read their letters?

5 A. Sometimes I did, sometimes I didn't. Because I
6 wanted to make sure --

7 Q. Sure.

8 A. -- what he was saying.

9 Q. Absolutely. I understand. At what point did
10 he write to you or did you write to him?

11 A. I don't remember when that was.

12 Q. Okay. Do you recall who wrote to who first?

13 A. No.

14 Q. Okay. Do you recall him writing you several
15 letters asking you to write to him?

16 A. Yes, I do. That sounds familiar.

17 Q. Okay. All right. But you don't recall how
18 many letters you received?

19 A. (Nods).

20 Q. All right. Do you recall why you eventually
21 sort of gave in and started writing back to him?

22 A. Because he was the father of my kids.

23 Q. Okay. And tell me about your relationship with
24 David once you started writing to him. Obviously, you
25 hadn't spoken in a while and now you're continuing to

1 write. What other contact did you have with him besides
2 letters?

3 A. None.

4 Q. None. You didn't go to visit him?

5 A. At one point -- I haven't seen David in --
6 since the trial.

7 Q. Okay. Did you ever speak with him on the
8 phone?

9 A. I don't remember.

10 Q. Did your children ever speak with him on the
11 phone?

12 A. I don't remember 'cause I know that they --
13 that after the trial they hold him in Lew Sterrett for a
14 little while.

15 Q. Uh-huh.

16 A. So I know he had access to call.

17 Q. Uh-huh.

18 A. But I don't know if we had a phone at that time
19 or --

20 Q. Uh-huh.

21 A. -- what. I don't remember.

22 Q. What about since he's been moved?

23 A. Since he's been moved?

24 Q. To Polunsky. To where he is currently located?

25 A. Have we what, spoke to him on the phone?

1 Q. Uh-huh.

2 A. I think the kids have.

3 Q. Okay. And you never spoke to him when he
4 called to talk to them to say hi or anything like that?

5 A. I might have. Nothing -- nothing like, hey,
6 how are you, you know.

7 Q. Right. In your conversations with David,
8 whether on the phone or in letters after trial, do you
9 ever discuss his case?

10 A. No.

11 Q. His situation?

12 A. (Nods).

13 Q. No. Can you tell me what you do discuss,
14 generally speaking?

15 A. Generally speaking, like if I was -- I would
16 just be like, hi, how you doing? I hope you doing okay.
17 'Cause he's sick --

18 Q. Uh-huh.

19 A. -- you know. And tell him about the kids or
20 whatever. 'Cause the kids will write something --
21 they'll be fighting so they'll write and one will write.
22 And I'll try to tell him what's going -- you know --

23 hey, look, it ain't like this it's -- stuff like that.

24 Q. Okay. What about your relationship with
25 David's family following trial? How was that?

1 A. Horrible.

2 Q. Did that ever change?

3 A. Yes.

4 Q. Okay. How did that come about?

5 A. A few months ago I got a phone call from his
6 mom.

7 Q. Okay.

8 A. And she wanted to take the kids to see him.

9 Q. Uh-huh.

10 A. 'Cause they hadn't seen him in 10 -- or however
11 many years.

12 Q. Uh-huh.

13 A. My middle child, she doesn't even know him.

14 Q. Right.

15 A. So anyway, she wanted to take them so I let
16 her. I remember I took them over to her house. They
17 welcomed me in.

18 Q. Okay. Now, prior to that phone call, had you
19 ever reached out and tried to contact her after trial?

20 A. Right after trial, I did, and she hung up on
21 me. I mean, like the day he was sentenced or whatever. I
22 tried to call her and she hung up on me.

23 Q. And then after that, you didn't have any
24 contact until she contacted you?

25 A. Uh-huh.

1 Q. Okay. Now, I want to talk just a little bit
2 about your contact with meeting investigators in this
3 case and you mentioned that for the longest time you
4 simply didn't want to cooperate with anybody following
5 the trial?

6 A. Right.

7 Q. And there were several attempts to contact you
8 by investigators working for David's defense. I believe
9 you said your first contact was with a woman; is that
10 correct?

11 A. Uh-huh.

12 Q. Okay. That's what I want to talk about first.
13 Can you tell me, as best as you can recall, how that
14 contact happened from the time she knocked on your door?
15 Do you recall what she said to you when she knocked on
16 the door?

17 A. She was -- she told me who she was and then she
18 just asked could she talk to me just for a minute. I
19 said, I got to leave. I said, I got to go get my kids..
20 And she said, I won't take, you know, your time or
21 whatever and then she just said that she wanted to talk
22 to me about David.

23 Q. Okay.

24 A. And that's how it got started.

25 Q. Sure. And then what -- how did the

1 conversation progress from there, as far as she
2 indicated that she wanted to talk to you about David?
3 What questions did she have?

4 A. I don't remember the questions.

5 Q. Okay. What about meeting with Mr. Johnson, I
6 believe it was?

7 A. Uh-huh.

8 Q. Do you recall anything about that conversation?

9 A. We sat down and we just talked and that
10 affidavit, I mean -- that was basically -- I don't know
11 what point that he -- I mean how many times he had come,
12 but I mean, it was like soon. I mean it wasn't like he
13 had been at my house 10 times or whatever.

14 Q. Sure?

15 A. It might have been like the first, second,
16 third, you know, time.

17 Q. And in your conversations with him, were they
18 about David in general? Were they about his case? Were
19 they about what you recall about the incident? Can you
20 tell me a little bit more specifically about your
21 conversations?

22 A. We talked about basically the whole situation.
23 Everything.

24 Q. Okay. But can you give me any specifics or as
25 much specifics as you can recall when you say the whole

1 situation? What did that --

2 A. I explained to him about J.C. You know, what
3 he was doing. And the -- you know, I didn't believe in
4 death penalty, you know. That my kids are getting older
5 that, you know, they don't want their father to die, you
6 know. Just --

7 Q. Okay. And what else can you recall? How did
8 the topic of your mental health come up?

9 A. I'm sure I brought it up.

10 Q. Okay.

11 A. I don't --

12 Q. Do you recall how or why?

13 A. I probably said something like, well, I'm on my
14 medicines right now so you'll have to excuse --

15 Q. Right?

16 A. You know something --

17 Q. Okay. Okay.

18 A. He didn't like say, are you on medicine. There
19 would be no reason why. He don't even know me.

20 Q. Okay. Just give me one second. And again as
21 far as your decision to cooperate with the defense
22 investigators after many years of deciding not to, can
23 you tell me again why you decided to do that. What were
24 the factors?

25 A. It would have to be my kids.

1 Q. Okay. They were the biggest reason? What
2 about David did he have any influence on that as far as
3 your relationship with him?

4 A. No.

5 Q. Another topic that I want to touch on. You
6 testified earlier about the hallucinations that you were
7 having, can you just clarify for me to the best of your
8 recollection when they started or when you recall them
9 starting?

10 A. When I was younger or -- it didn't just happen
11 you know.

12 Q. And you mention in your affidavit that
13 basically, you would just kind of hear somebody calling
14 your name; is that correct?

15 A. Uh-huh.

16 Q. What else were you hearing? Anything?

17 A. Just like certain noises would like -- and
18 still does set me off.

19 Q. When you say, set you off, what do you mean?

20 A. Like the noise has to stop. I have to get away
21 from the noise. It's -- it would be like somebody
22 scratching their nail down a chalk board to you but to
23 me it could be her over here typing on this. It's
24 not -- what I'm saying is, it would make me like I got
25 to get -- you know, somebody if they accidentally

1 scraped a fork across a plate.

2 Q. Okay.

3 A. It just goes all over, you know.

4 Q. Okay. So it would be an actual noise that you

5 would hear but your reaction to it would just --

6 A. Yeah, it just --

7 Q. Right.

8 A. Yeah.

9 Q. Right. Was a little more. Okay. And just one

10 more time to go back to one other thing I wanted the

11 clear up, quickly. As far as the prosecutors taking you

12 in and showing you the courtroom, did they let you sit

13 in the witness stand?

14 A. The witness.

15 Q. The seat --

16 A. Where I would be sitting? Yeah, they had me

17 sit up in there.

18 Q. Okay.

19 A. 'Cause they told me like they would be --

20 they're going to ask you this, you know.

21 Q. Okay.

22 A. And you tell them this. And if they say, like,

23 what time of day because I can remember they were

24 telling me -- 'cause it was something to do with the

25 time of day that I got woke up, you know. And they were

1 trying to say don't say it's like -- it was morning
2 because they're going to pressure you to find out how
3 you knew it was 8 o'clock in the morning. Just say, you
4 know, I don't recall or whatever.

5 Q. And did you recall what time you were woken up?

6 A. Honestly, I think it was in the morning but now
7 I'm not for sure what time.

8 Q. Okay. Okay. So they were in essence trying to
9 prepare you --

10 A. Yeah.

11 Q. -- for cross-examination?

12 A. Right.

13 Q. How the defense might take what you said --

14 A. Right.

15 Q. -- and try to make it into --

16 A. Right.

17 Q. -- something you weren't actually saying,
18 right?

19 A. Right.

20 Q. Okay. And as far as them telling you -- you
21 said earlier they taught you, I don't recall?

22 A. Yeah.

23 Q. That was in an effort for you to -- if you
24 recalled to tell the truth, but if you didn't recall not
25 to try to recall something you didn't remember?

1 A. Right. Don't sit there and try to talk. Just
2 say you don't recall and that's it.

3 Q. Right. Just give me one more second. Mande,
4 I'm going to hand you a letter that you wrote to
5 Mr. Carpenter.

6 MS. MIRANDA: This is Tab 31.

7 MR. ANTON: Okay.

8 MS. MIRANDA: And it's going to be on the
9 bottom. It's page numbers nine to 10.

10 Q. (By Ms. Miranda) I'm going to hand that to you
11 and give you a second to read over that.

12 MS. MIRANDA: I believe for purposes of the
13 record that this is already apart of the Court's case.
14 It was filed --

15 MR. ANTON: Yes.

16 MS. PENROSE: Yes. This is Exhibit R.

17 A. Okay.

18 Q. (By Ms. Miranda) Okay. Do you recall writing
19 that letter?

20 A. Yes.

21 Q. Okay. Can you tell me where you say, that's
22 the only way I can think of for right now because we are
23 so close to the end. Do you recall what you meant when
24 you wrote that?

25 A. How far down?

1 Q. Trying to find it in here. One second.
2 Actually it's at the top. It's at the bottom of the
3 page with the nine on the bottom corner. Where it says
4 David. It's the last part of that page and the top of
5 the page?

6 A. Hey, I didn't even read this. I didn't know it
7 was back there.

8 Q. Sorry. Says because we are so close to the end
9 I will not mess anything up if nothing else?

10 A. Because he kept wanting me to come down there
11 and I didn't want to interfere, you know.

12 Q. Uh-huh.

13 A. And it's coming to the end.

14 Q. Okay.

15 A. I mean this is it.

16 Q. Sure. Sure. What did you mean by, I will not
17 mess anything else up or anything up if nothing else?

18 A. Because I'm not going to go down there and
19 visit him when I'm not supposed to and he's trying to
20 get me to come down there and see him.

21 Q. Okay. Why were you not supposed to go visit
22 him?

23 A. I don't know. I just know I wasn't supposed to
24 go see him.

25 Q. Okay. Did somebody tell you, you weren't

1 supposed to go see him?

2 A. I was advised not to.

3 Q. Okay. Who advised you not to go see him?

4 A. Well, the first person -- we'll just say I was
5 talking to that guy Kenny and, you know, I think he was
6 one of the ones that said not to go.

7 Q. Okay. Did he tell you why not to go?

8 A. No, nobody has told me why I'm not supposed to
9 go.

10 Q. Okay. What about talking to him as far as
11 writing letters or talking to him on the phone; were you
12 advised not to talk to him on the phone?

13 A. We -- he don't have no way to talk to me on the
14 phone now.

15 Q. Okay.

16 A. So and writing well, we knew -- we both know
17 that y'all have copies of the letters. We done went
18 through court one time, you know.

19 Q. Okay.

20 A. And we had all the letters there so I mean.

21 Q. Sure. Sure. Okay.

22 A. Do you want this back?

23 Q. Oh no, you can just leave it there for now.

24 A. I mean, I had asked could I go see him.

25 'Cause, I mean, I --

1 Q. Sure.

2 A. I wanted to go down there with the kids. We
3 had -- we were planning a trip actually and we were --
4 me, I was going to take the kids and we were going to
5 stay in a hotel down there and go visit. And then I
6 asked and it was best not for me to go visit.

7 Q. Okay. Okay.

8 MS. MIRANDA: I think that's all. Pass the
9 witness.

10 MR. ANTON: Can I just take a quick break
11 here?

12 MS. MIRANDA: Sure.

13 (Break taken from 2:22 to 2:22)

14 MR. ANTON: Okay. I think we're concluded.

15 MS. MIRANDA: She just mentioned something.

16 MR. ANTON: Okay.

17 MS. MIRANDA: Nothing, but she just kind of
18 recalling something and she just mentioned it to me so I
19 thought it would be best --

20 MR. ANTON: Okay.

21 MS. MIRANDA: -- we get her recollection
22 actually on the record.

23 THE WITNESS: In the letter, I was trying
24 to tell him to see if he could get his daughter -- the
25 older daughter, Amber (phonetic), to take the kids down

1 there to see him.

2 MR. ANTON: Right. Okay. Thank you.

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NO. 3:02-CV-1145-B-AH

DAVID LYNN CARPENTER) IN THE UNITED STATES
) DISTRICT COURT FOR THE
) NORTHERN DISTRICT OF
Petitioner,) TEXAS.

VS.) DALLAS DIVISION

RICK THALER
Director, Texas
Department of Criminal
Justice, Correctional
Institutions Division,

Respondent) CIVIL ACTION NO.
) 3:02-CV-1145-B-AH

REPORTER'S CERTIFICATION
DEPOSITION OF MANDEE CLOUD
May 5, 2010

I, Quinlyn Busby, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:

That the witness, MANDEE CLOUD, was duly sworn by
the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

That examination and signature of the witness to
the deposition transcript was waived by the witness and
agreement of the parties at the time of the deposition;

That the original deposition was delivered to
Mr. Bruce Anton;

1 That the amount of time used by each party at the
2 deposition is as follows:

3 Mr. Bruce Anton01 HOURS:19 MINUTES
4 Ms. Tina Miranda00 HOURS:32 MINUTES

5 That \$179.85 is the deposition officer's charges to
6 the Respondent for preparing the original deposition
7 transcript and any copies of exhibits;

8 That pursuant to information given to the
9 deposition officer at the time said testimony was taken,
10 the following includes all parties of record:

11 Mr. Bruce Anton, Attorney for Petitioner;
12 Ms. Tina Miranda, Attorney for Respondent.

13 That a copy of this certificate was served on
14 all parties shown herein on May 18, 2010 and filed with
15 the Clerk pursuant to Rule 203.3.

16 I further certify that I am neither counsel for,
17 related to, nor employed by any of the parties or
18 attorneys in the action in which this proceeding was
19 taken, and further that I am not financially or
20 otherwise interested in the outcome of the action.

21 Certified to by me this 18th day of May, 2010.

22

23

24

25

Quinlyn Busby, Texas CSR 8187
Expiration Date: 12/31/11
253 Trinity Drive
Lancaster, Texas 75146
(972) 342-5594